

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday August 25, 2014 at 10:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Joseph Barsic, Vice President
Diana Bonn
Gary Odell
Rebecca Bushong

Board Member Absent:

David Demuth

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Rae Harman, Assistant Director, Indiana Professional Licensing Agency
Gordon White, Board Advisory Counsel, Office of the Attorney General
Deborah Frye, Director of Compliance
Jeanne Tucker, Compliance Officer
Katie Lowhorn, Compliance Officer
Lana Conroy, Compliance Officer

ADOPTION OF THE AMENDED AGENDA

The August 25, 2014 agenda was adopted as amended.

Bonn/O'Dell
5/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE MAY 19, 2014 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the May 19, 2014 meeting.

Barsic/Bushong
5/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Natalie Stidd indicated there is a new format being used when filing complaints with the board. Counts/violations are indicated differently.

ADMINISTRATIVE HEARINGS

Administrative Hearing in the Matter of Whitney Griffin, BC20806133, SBCBE 14-54

A motion was made and seconded to issue a notice of proposed dismissal.

Bushong/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Marcia Lynn Lawhorn, ES21300305, SBCBE 13-122

A motion was made and seconded issue a notice of proposed dismissal.

Bushong/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Kevin L. Roberts, BA11300037, SBCBE 13-44

A motion was made and seconded to withdraw probation.

Barsic/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Zatia Lashon Sain, BC21301044, SBCBE 13-59

A motion was made and seconded to dismiss the matter.

Bushong/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Tawanda L. Peele, BC29900471, SBCBE 12-123

A motion was made and seconded to withdraw probation.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Kristi E. Kirkpatrick, BC20601692, SBCBE 10-26

A motion was made and seconded to withdraw probation.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Show Cause Hearing in the Matter of Happy Nails, SBCBE 14-32

A motion was made and seconded to issue an Order to Cease and Desist operating the beauty culture salon without a license.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Show Cause Hearing in the Matter of Studio LXS, SBCBE 14-52

A motion was made and seconded to issue an agreed Order to Cease and Desist operating the beauty culture salon without a license.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Nail Art, MS30400272, SBCBE 14-37

A motion was made and seconded that the state has proved its case on all two counts, place the license on indefinite probation with no right to petition for reinstatement for a period of one year. Impose a fine of \$500 for each count, impose costs of the proceedings payable within one year from the date of the final order, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Lee's Nails, MS39600552, SBCBE 14-38

A motion was made and seconded that the state has proved its case on all four counts, place the license on indefinite probation with no right to petition for reinstatement for a period of one year. Impose a fine of \$250 for each count, impose costs of the proceedings payable within one year from the date of the final order, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Teresa's Nails and Spa, SBCBE 14-39

A motion was made and seconded that the state has proved its case on all six counts, place the license on indefinite probation with no right to petition for reinstatement for a period of one year. Impose a fine of \$100 for each count payable within six months, impose costs of the proceedings payable within one year from the date of the final order, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of California Nails USA, MS30400396, SBCBE 14-40

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Nails By Joyce, MS30200499, SBCBE 14-45

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Queen Nails, MS30801762, SBCBE 14-35

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Sun Nails, MS30600524, SBCBE 14-21

A motion was made and seconded to issue a Notice of Default.

Bonn/Bushong
5/0/0
Motion carried.

A motion was made and seconded that state has proved its case on all nine counts, place the license on indefinite suspension with no right to petition for reinstatement for a period of six months. Impose a fine of \$9000 for each count payable within six months, impose costs of the proceedings payable within one year from the date of the final order, and impose the \$5 fee to the health records and personal identifying information protection trust fund. Order payment of \$25.00 in restitution to the consumer.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Jeffrey Jovon Powell, BA10900003, SBCBE 14-30

A motion was made and seconded that the state has proved its case and rescind the license and prohibit the issuance of a license for a period of ten years, impose a fine of \$1000 payable within six months, impose costs of the proceedings payable within one year from the date of the final order, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Barsic/Bonn
5/0/0
Motion carried.

Administrative Hearing in the Matter of Short Cuts, MS212000066, SBCBE 14-31

A motion was made and seconded to issue a Notice of Default.

Bonn/O'Dell
5/0/0
Motion carried.

A motion was made and seconded that the state has proved its case, revoke the license. J. Barsic recuse himself.

Bonn/O'Dell
4/0/1
Motion carried.

Personal Appearances and Consideration of Application for License Renewal

Katy Garber, BC20200390

A motion was made and seconded to grant renewal on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Megan Berry, BC21101151

A motion was made and seconded to grant renewal on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Jessica Humerickhouse, BC20502012

A motion was made and seconded to grant renewal on indefinite probation with no right to petition for withdraw of probation until released from prison and criminal probation if applicable.

Bonn/Bushong
5/0/0
Motion carried.

Marta Rodriguez, MA20704172

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/O'Dell
6/0/0
Motion carried.

Holly Ann Sarles, BC21101079

A motion was made and seconded to grant renewal.

Bonn/O'Dell
5/0/0
Motion carried.

John Steven Sanders, BA19800043

A motion was made and seconded to approve renewal on probation with no right to petition for removal of probation until completed with criminal probation.

Barsic/O'Dell
5/0/0
Motion carried.

Shannon Watson, BC21101225

A motion was made and seconded to grant renewal on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Amy Hart, BC09002124

A motion was made and seconded to grant renewal.

Bonn/Bushong
5/0/0
Motion carried.

Alberta Davis, ES21100012

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Carole Jensen, MA20300036

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/O'Dell
5/0/0
Motion carried.

Kharnicia Jarrett, BC20807798

A motion was made and seconded to renew the license.

Bonn/O'Dell
5/0/0
Motion carried.

Marc Borders, BA10600076

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Barsic/Bonn
5/0/0
Motion carried.

Maureen Lanham, BC29602169

A motion was made and seconded to renewal the license.

Bushong/O'Dell
5/0/0
Motion carried.

Linh Thimy Tran, MA20602400

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/O'Dell
5/0/0
Motion carried.

Son N. Lai, MA20201625

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/O'Dell
5/0/0
Motion carried.

Shannon R. Smith, BC29801343

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Danielle Sellers, BC20908639

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until she can prove that she is no longer on criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Hung C. Nguyen, MA20201714

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/O'Dell
5/0/0
Motion carried.

Haley Huelson, BC21012977

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Jalaine Helton, BA11000134

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/O'Dell
5/0/0
Motion carried.

David Williams, BA10600102

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Michael Lovett, BA19400071

A motion was made and seconded to renew on indefinite probation with no right to petition for withdraw of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

Personal Appearances and Consideration of Application for License Reinstatement

Jodie Michalak, BC20100096

A motion was made and seconded to deny the application for renewal for failure to appear.

Bushong/O'Dell
5/0/0
Motion carried.

Augustine Galvan, BA10500088

A motion was made and seconded to deny the application for renewal for failure to appear.

Bushong/O'Dell
5/0/0
Motion carried.

Celia Herrera, BC20301922

A motion was made and seconded to deny the application for renewal for failure to appear.

Bushong/O'Dell
5/0/0
Motion carried.

Consideration of Notice of Proposed Dismissal Order

Adam Hunt, SBCBE 10-11

A motion was made and seconded to Dismiss the matter.

Bonn/O'Dell
5/0/0
Motion carried.

Kristi E. Kirkpatrick, SBCBE 10-26

A motion was made and seconded to Dismiss the matter.

Bonn/O'Dell
5/0/0
Motion carried.

Theresa Walker, SBCBE 14-24

A motion was made and seconded to Dismiss the matter.

Bonn/O'Dell
5/0/0
Motion carried.

Consideration of Administrative Law Judge's Order

Randy Mounphoxay, SBCBE 14-06

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/O'Dell
5/0/0
Motion carried.

Mia Nail Spa, SBCBE 14-25

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/O'Dell
5/0/0
Motion carried.

Yixuan Wang, SBCBE 14-26

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/O'Dell
5/0/0
Motion carried.

Request for Approval for an Exception to 820 IAC 8-2-10; 20 Work Stations in a Beauty Culture School

Gregg Throckmorton for Pike High School

A motion was made and seconded to grant waiver of 820 IAC 8-2-10 to allow less than twenty chairs in the school.

Barsic/O'Dell
5/0/0
Motion carried.

Request for Waiver of 820 IAC 8-2-20, Passing the Examination Within Three Years of Graduation

Queanna A. Rowell

A motion was made and seconded to grant the waiver and allow six months to pass the examination.

Bushong/O'Dell
5/0/0
Motion carried.

Tran Hudson

A motion was made and seconded to grant the waiver and allow six months to pass the examination.

Bushong/O'Dell
5/0/0
Motion carried.

COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to accept the application committee report as follows.

Bushong/O'Dell
5/0/0
Motion carried.

COSMETOLOGY APPLICATIONS

By Examination:

Clapp, Morgan Renee – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year
Floyd, Shereana - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Schwartz, Paul - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Young, Amy - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

By Reciprocity

Ferguson, Katyna Sue – Denied, IC 25-8-4-2(a)(1) license is not valid in another jurisdiction.
Hubbert, Aimee Jones – Denied, IC 25-8-4-2(a)(2) doesn't have required education hours.
Vaughn, Katherine - Approved

Provisional:

Ambriz, Francisca – Denied, IC 25-1-11-19 unlicensed practice
Khounsarufard, Alireza – Denied, documentation indicates different date of birth
Schaetzle, Aeyoung - Approved

MANICURIST APPLICATIONS

By Examination:

Phan, Anh Nguyet Thi – Denied

By Reciprocity:

Duong, Vu Huong – Denied IC 25-8-4-2(a)(1), license is not valid in another jurisdiction.
Huynh, Nhien Thi – Denied IC 25-8-4-2, no license in another jurisdiction.
Tran, Thu T. – Denied IC 25-8-4-2(a)(2), doesn't have required education hours

Provisional:

Nguyen, Chi Thi – Denied, IC 25-8-4-2(a)(2), doesn't have required education hours

ESTHETICIAN APPLICATIONS

By Examination:

Coburn, Stefanie - Approved

BARBER APPLICATIONS

By Examination:

Barbour, Dion – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Brown, James Ernest - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

Brown, X-Andre - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Cheeks, Quinton - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Danbala, Sandeeq - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Elliott, Cornelius - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Foster, Sylvester - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Gregory, Jeremy - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation. May not practice on anyone under the age of 18.
Guiden, Tyreese - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Hershberger, Jeffrey - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Jackson, Tony - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Johnson, Thomas - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Lawson, Bobby - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Miller, Ernest - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Patterson, Samuel - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Rivera, Heriberto - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Santana, Ramon - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Thacker, Antonio - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

Provisional:

Gutierrez, Giovanni – Approved

FACILITY APPLICATIONS

Beauty Culture Salon

Aqua Nails, 5364 Broadway, Merrillville, IN 46410 – Approved upon receipt of passed inspection

Bakul Threading LLC d/b/a SEVA, 10735 Pendleton Pike, Indianapolis, IN 46236 – Tabled, pending inspection report.

B. Rules Committee

The Rules Committee met today and will have a final draft for the board in the near future.

ADJOURNMENT

The meeting adjourned at 4:58 p.m.